

Senate Bill 28

By: Senator Henson of the 41st

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to change certain definitions relating to commercial drivers' licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended in Code Section 40-5-142, relating to definitions relating to commercial driver's licenses, by striking paragraph (7) of said Code section and inserting in its place the following:

"(7) 'Commercial motor vehicle' means a motor vehicle designed or used to transport passengers or property in commerce:

(A) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating as determined by federal regulation;

(B) If the vehicle is designed to transport 16 or more passengers, including the driver; or

(C) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with the Motor Carrier Safety Rules prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, subpart F;

provided, however, that for the purposes of this article, no agricultural vehicle, military vehicle operated by military personnel, recreational vehicle, or fire-fighting or emergency equipment vehicle shall be considered a commercial vehicle. As used in this paragraph, the term 'agricultural vehicle' means a farm vehicle which is controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within 150 miles of such person's farm; which vehicle is not used in the operations of a common or contract carrier. As used in this paragraph, the term 'recreational vehicle' means a vehicle used for personal pleasure, travel, or hobby by an individual or his or her family and not used in commerce. Any other waiver by the

1 Federal Highway Administration pursuant to Federal Law 49 C.F.R. Parts 383, 391, RIN  
2 2125-AB 68, of the United States Department of Transportation shall supersede state law  
3 in authorizing the Department of Motor Vehicle Safety to exempt said classes."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.